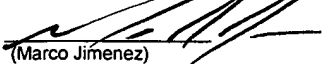


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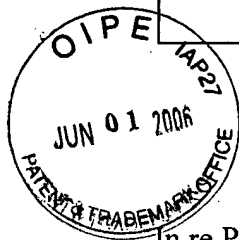
DAC  
zpw

I hereby certify that this correspondence is being deposited with the U.S. Postal Service as Express Mail, Airbill No. EV701015062US, in an envelope addressed to: MS Petition, Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450, on the date shown below.

Dated: June 1, 2006 Signature:   
(Marco Jimenez)

**Sent By Facsimile (571-273-8300)**  
**and Express Mail**  
Docket No.: 393032022200

(PATENT)



IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Patent Application of:  
Yoshiki NISHITANI et al.

Serial No.: 09/758,632

Filing Date: January 10, 2001

For: APPARATUS AND METHOD FOR  
DETECTING PERFORMER'S MOTION  
TO INTERACTIVELY CONTROL  
PERFORMANCE OF MUSIC OR THE  
LIKE

Examiner: M. Fletcher

Group Art Unit: 2837

**PETITION TO WITHDRAW APPLICATION FROM  
ISSUE PURSUANT TO 37 CFR 1.313 (c)**

Mail Stop Petition  
Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

Dear Sir:

Applicants filed a petition to withdraw the present application from issuance on April 13, 2006. In a decision dated May 4, 2006, the petition was dismissed because the application was held to be abandoned for failure to take appropriate action in response to Notice of Allowance mailed on October 19, 2005. A notice of abandonment was mailed on April 6, 2006.

Applicants respectfully submit that they responded in a timely manner to the Notice of Allowance and that, in fact, the application is not abandoned. To that end, Applicants are filing

LA-861423

06/06/2006 CCHAU1 00000012 031952 09750632  
02 FC:1464 130.00 DA

herewith a petition to withdraw the holding of abandonment pursuant to 37 C.F.R. §§ 1.181 and 1.8(b).

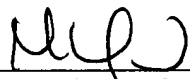
In the event that the petition is granted and the holding of abandonment is withdrawn, Applicants hereby renew their petition to the Commissioner to withdraw the present application from issue. Three office actions citing references were mailed in connection with related Japanese applications. Accordingly, Applicants request withdrawal from issue to file an Information Disclosure Statement (IDS) pursuant to 37 C.F.R. § 1.97 and § 1.98 with a Request for Continued Examination (RCE). The IDS and RCE are enclosed with this petition.

Please charge our Deposit Account No. 03-1952 in the amount of \$130.00 covering the fee set forth in 37 CFR 1.17(h) or (i). Fee transmittal form PTO/SB/17 is enclosed is duplicate.

In the unlikely event that the transmittal letter is separated from this document and the Patent Office determines that an extension and/or other relief is required, Applicants petition for any required relief including extensions of time and authorize the Director to charge the cost of such petitions and/or other fees due in connection with the filing of this document to **Deposit Account No. 03-1952** referencing docket no. 393032022200.

Dated: June 1, 2006

Respectfully submitted,

By   
Mehran Arjomand  
Registration No.: 48,231  
MORRISON & FOERSTER LLP  
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Los Angeles, California 90013  
(213) 892-5630